

108TH CONGRESS  
2D SESSION

# S. RES. 394

To authorize testimony and representation in United States v. Daniel Bayly,  
et al.

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IN THE SENATE OF THE UNITED STATES

JUNE 24, 2004

Mr. FRIST (for himself and Mr. DASCHLE) submitted the following resolution;  
which was considered and agreed to

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## RESOLUTION

To authorize testimony and representation in United States  
v. Daniel Bayly, et al.

Whereas, by Senate Resolution 317, 107th Congress, the Senate authorized the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs to produce records from its investigation into the collapse of Enron Corporation to law enforcement and regulatory officials and agencies;

Whereas, in the case of United States v. Daniel Bayly, et al., Cr. No. H-03-363, pending in the United States District Court for the Southern District of Texas, the parties have requested testimony from Tim Henseler, a former employee of, and Jim Pittrizzi, a detailee to, the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate; and

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

1       *Resolved*, That Tim Henseler and Jim Pittrizzi are  
 2 authorized to testify in the case of United States v. Daniel  
 3 Bayly, et al., except concerning matters for which a privi-  
 4 lege should be asserted.

5       SEC. 2. The Senate Legal Counsel is authorized to  
 6 represent Tim Henseler and Jim Pittrizzi in connection  
 7 with the testimony authorized in section one of this resolu-  
 8 tion.

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